UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

'08 MJ 1377

UNITED STATES OF AMERICA, Plaintiff,	Magistrate Case No.
v.	COMPLAINT FOR VIOLATION OF:
Javier GOMEZ, Defendant(s)	Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii) Transportation of Illegal Aliens

The undersigned complainant, being duly sworn, states:

On or about **April 30, 2008,** within the Southern District of California, defendant **Javier GOMEZ** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Antonio VENANCIO-Rafael, Joel OCHOA-Botello,** and **Ramon RAFAEL-FELICIANO** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 1st DAY OF **MAY 2008.**

Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Javier GOMEZ

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Antonio VENANCIO-Rafael, Joel OCHOA-Botello, and Ramon RAFAEL-FELICIANO** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On April 30, 2008 at approximately 7:00 am, Murrieta Border Patrol Agents were working in their area of responsibility on Interstate 15 northbound observing traffic. Murrieta Agents B. Bano and P. Adamo were parked on the side of I-15 between the Mission Road exit and the Highway 76 exit in their marked Border Patrol sedan. Agents noticed a gold 2000 Lincoln Continental pass their location. Agents noticed vague silhouettes of people through the heavily tinted windows in the back seat. Agents pulled out into traffic for further observations of the vehicle.

Agents then pulled up to the side of the vehicle and noticed that the front passenger was seated very stiff, Agents further noticed the driver was fixated with the traffic ahead. As they were positioned beside the suspect vehicle, Agent Bano was able to better view the rear occupants slumped down in the back seat. Agent Bano felt that these individuals were trying to conceal themselves. At this time Agents decided to perform a vehicle stop.

Agents repositioned behind the vehicle and activated their lights and siren. The suspect vehicle immediately accelerated at a high-rate of speed and began maneuvering in and out of congested lanes. The suspect vehicle then began passing vehicles on the shoulder of the interstate as it continued traveling southbound. At this time Agents discontinued pursuing the vehicle.

San Diego Sector North County Smuggling Agents were monitoring the radio traffic of the Murrieta Border Patrol Agents and positioned themselves to intercept the suspect vehicle. Agents were working in the Murrieta Border Patrol area of responsibility in support of their daily operations. Agents were working in unmarked Agency vehicles and in a plain-clothes capacity. Agent Smith observed the vehicle traveling southbound I-15. Agent Bano responded over the radio that the vehicle was the one that Failed to Yield to his lights and siren. Agent Smith began radioing the lane of travel of the vehicle in order for other Agents to assist in the surveillance. Agents L. Lopez and P. Castillo responded to the location of the vehicle and took over the primary surveillance of the vehicle.

The driver of the vehicle became aware of the Agents behind as there was no other traffic in the area besides him and the Agents. The driver of the vehicle accelerated again but then hit his brakes and fled from the vehicle, along with the front seat passenger. The vehicle came to a stop on Los Amigos Road in Fallbrook, California. Agents contained the three individuals in the back seat of the vehicle.

Agents Castillo and Lopez identified themselves as Border Patrol Agents to the three rear occupants of the vehicle. They then asked each of them to individually state their citizenship and immigration status. Each stated that they were citizens and nationals of Mexico and that they were currently in the United States illegal without immigration documentation. At this time the three occupants were arrested and transported to the Murrieta Border Patrol Station for further interview and processing.

CONTINUATION OF COMPLAINT:
Javier GOMEZ

Agents Castillo, Lopez, Hays, and Mondragon followed footprints from the scene to locate the driver and front seat passenger. Agents followed the footprints through an avocado orchard until reaching and an embankment. They then found the driver, later identified as the defendant, **Javier GOMEZ**, hiding. Agents knew that they had the driver as Agents Lopez and Castillo watched him flee from the driver-side door and recalled his physical description during their surveillance. Upon finding the defendant hiding under the boulder, Agents immediately identified themselves as Border Patrol Agents. The Agents then asked him to state his citizenship and immigration status. The defendant stated that he was a citizen and national of Mexico and that he was illegally in the United States without immigration documentation. At approximately 7:45 am, Agents placed the defendant under arrest and transported him to the Murrieta Border Patrol Station for further investigation and processing.

DEFENDANT STATEMENT:

The defendant stated that he was born in Mexico present in the United States without immigration documents that allow them to remain in the United States legally.

The defendant stated that he was in Los Angeles, California when he was called by an acquaintance and asked if he would like to make some extra money. The defendant stated that all he would have to do is pick up a car in Los Angeles, California and drive to San Diego, California where he would pick up some illegal aliens and drive them to Los Angeles, California. The defendant States that he was to be paid more than $1,000.00 U.S. for this trip.

MATERIAL WITNESSES STATEMENTS:
Material witnesses **Antonio VENANCIO-Rafael, Joel OCHOA-Botello**, and **Ramon RAFAEL-Feliciano** agree in summary that they are citizens and nationals of Mexico illegally present in the United States. They admit to entering the United States illegally. The material witnesses stated that they were to pay between $1,300-$1,800 (US) to be smuggled into the United States. Material witnesses **Antonio VENANCIO-Rafael, Joel OCHOA-Botello and Ramon RAFAEL-Feliciano** were shown photographic pictures numbered one through eight. All Material witnesses positively identified defendant **Javier GOMEZ** as the driver.